

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA

JOHN DOE,

Plaintiff,

v.

WAKE FOREST UNIVERSITY,

Defendant.

Civ. No. 1:23-cv-00114-CCE-JLW

**SUPPLEMENT TO PLAINTIFF'S
MOTION FOR A TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION AND CERTIFICATION**

Plaintiff, John Doe, respectfully supplements his Motion for a Temporary Restraining Order and Preliminary Injunction ("TRO/PI") ([ECF No. 5](#)) and supporting Memorandum of Law ([ECF No. 6](#)) in this action by showing the Court that, with respect to Fed. R. Civ. P. 65(b)(1)(A)-(B):

Immediate and Irreparable Injury to Plaintiff (Rule 65(b)(1)(A)). Specific facts that clearly show that immediate and irreparable injury, loss, and damage will result to the Plaintiff before the Defendant can be heard in opposition to the TRO/PI are set out in the Verified Complaint ([ECF No. 1](#)), and the Declaration of John Doe ([ECF No. 6-1](#)) and the exhibits annexed thereto ([ECF No. 6-2 - 6-10](#)), as well as Memorandum of Law ([ECF No. 6](#)). More specifically, John Doe is a senior enrolled at Wake Forest University otherwise scheduled to graduate and earn his degree in May 2023. [ECF No. 1](#) at ¶¶ 1, 252-259; [ECF No. 6-1](#) at ¶¶ 3, 10, 12-13, 19-21; [ECF No. 6-8](#) at 33-35. With

John Doe in what should be his final semester of courses, and the suspension in place until the Spring 2024 semester (with only the option to *apply* for readmission, and no guarantee that he will be readmitted), there are no additional semesters for him to make up the lost credits to complete his degree and graduate as planned. [ECF No. 1](#) at ¶¶ 1, 252-259; [ECF No. 6-1](#) at ¶¶ 3, 10, 12-13, 19-21; [ECF No. 6-8](#) at 33-35; [ECF No. 6-9](#) at 19-20; [ECF No. 6-10](#). It is highly unlikely that he would be able to obtain acceptance to another institution of higher education as a transfer student due to his status as a second semester senior on the brink of graduation, but also with the erroneous finding of sexual assault on his record. [ECF No. 1](#) at ¶¶ 252-259; [ECF No. 6-1](#) at ¶¶ 18-21.

Additionally, John Doe presently has a job offer to begin in the Summer of 2023, contingent upon completion of his undergraduate degree. [ECF No. 1](#) at ¶¶ 253, 256, 259; [ECF No. 6-1](#) at ¶¶ 12-14, 19-21; [ECF No. 6-8](#) at 33-35. Due to any delay in the receipt of his degree, he will be unable to enter the work force as planned in the Summer of 2023. [ECF No. 1](#) at ¶¶ 253, 256, 259; [ECF No. 6-1](#) at ¶¶ 3, 10, 12-14, 19-21; [ECF No. 6-8](#) at 33-35. Even if John Doe ultimately succeeds on the merits of the case, monetary damages would not make him whole, not only because he would be unable to begin employment with his present job offer in the Summer of 2023 as anticipated, but also because he would forever be required to explain to any potential future employer or graduate program the delay in completing his degree as scheduled. [ECF No. 1](#) at ¶¶ 255-259; [ECF No. 6-1](#) at ¶¶ 10, 12-14, 18-21; [ECF No. 6-8](#) at 33-35; [ECF](#)

[No. 6-10](#); *see also* [ECF No. 6](#) at 17-20.

Notice to the Defendant (Rule 65(b)(1)(B)). The undersigned counsel hereby certifies that a draft copy of the complaint in this matter was sent at 5:01 PM Eastern on January 25, 2023 to General Counsel and Senior Vice President for Wake Forest, J. Reid Morgan. Plaintiff's counsel further corresponded in follow up at 10:57 AM Eastern on February 2, 2023, to which Mr. Morgan replied at 12:12 PM Eastern on that same day. On February 7, 2023, at approximately 4:20 PM Eastern, Plaintiff's counsel received a phone call from Joshua W. B. Richards of Saul Ewing, LLP, that he and his firm would be serving as counsel for the Defendant in the instant action. Mr. Richards, during this call, confirmed that he had a copy of Plaintiff's Verified Complaint ([ECF No. 1](#)). Thereafter, Plaintiff's counsel delivered an electronic copy of all filings in this action on February 8, 2023 at 2:08 PM Eastern including Plaintiff's Verified Complaint ([ECF No. 1](#)), Motion to Proceed Under a Pseudonym and supporting Memorandum of Law ([ECF No. 3](#), [4](#), and [4-1](#)), Motion for a Temporary Restraining Order ([ECF No. 5](#)) the supporting Memorandum of Law ([ECF No. 6](#)), Declaration of John Doe ([ECF No. 6-1](#)), all exhibits annexed thereto ([ECF No. 6-2 - 6-10](#)), and a copy of the docket entries, again to Mr. Richards' e-mail address.

[signature page to follow]

Respectfully submitted this 8th day of February 2023.

Counsel for Plaintiff John Doe

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/s/ Andrew T. Miltenberg .

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CERTIFICATE OF SERVICE

I hereby certify that on February 8, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notice of same to counsel of record for the Defendant, Wake Forest University. I further certify that this document will be manually served on Defendant along with service of the summons and complaint in this action.

/s/ Robert C. Ekstrand.
Robert C. Ekstrand